

GENERAL ORDINANCE NO. G- 09-88

AN ORDINANCE CONCERNING
ENVIRONMENTAL PUBLIC NUISANCES

WHEREAS, the present ordinance entitled Environmental Public Nuisances is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 32 of the Municipal Code of the City of Fort Wayne is repealed.

SECTION 2. That there is hereby established and adopted a revised ordinance which shall constitute a new Chapter 32 of the Municipal Code of the City of Fort Wayne as follows:

ENVIRONMENTAL PUBLIC NUISANCES

Sec. 32-1. Purpose and Intent.

It is hereby declared to be the purpose of this chapter to protect the public safety, health, and welfare and enhance the environment of the people of the city by making it unlawful to allow an environmental public nuisance to exist.

Sec. 32-2. Definitions.

For the purpose of this chapter the following terms shall have the following meanings. The word "shall" is mandatory and not merely directory.

- (a) "Authorized Employee" means an individual designated to make environmental public nuisance inspections, by either the Health Commissioner of the Fort Wayne-Allen County Board of Public Health or the head of any governmental department of the City of Fort Wayne, which department has been designated by the Mayor of the City of Fort Wayne to enforce this chapter.
- (b) "City" means the City of Fort Wayne.
- (c) "Environmental public nuisance" is:
 - (1) Any growth of weeds, grass or other rank vegetation on private or governmental property which is neglected, disregarded or not cut, mown, or otherwise removed and/or which has attained a height of nine (9) inches or more.
 - (2) Any accumulation of dead weeds, grass or brush on private or governmental property.
 - (3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental to health, growing on any private or governmental property.
 - (4) Property which has been allowed to become a health or safety hazard, or which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations.

1 (d) "Excluded property" means land cultivated for
2 gross profit in a commercial, agricultural or
3 horticultural zone; a natural or developed
4 forest, which does not create a health or
5 safety hazard, which conforms to Management
6 Series No. 2 of the Indiana Department of
7 Natural Resources or is registered with the
8 National Wildlife Federation and which is
9 properly screened, if requested, by adjoining
10 landowners; vacant or open lands, fields or
11 wooded areas more than one hundred fifty feet
12 (150') from occupied property. However,
13 natural habitats or wildlife habitats in R-1,
14 R-2, and R-3, RA and RB districts (residential)
15 are not to be considered excluded property,
16 and will constitute a violation of this
17 ordinance.

18 (e) "Governmental property" means real estate
19 within the City of Fort Wayne which is owned,
20 leased, controlled or occupied by the United
21 States, the State of Indiana, or any political
22 subdivision thereof; excluding areas such as
23 interior fields, river bank properties, and
24 wooded lots which are maintained as natural
25 sites by any such political entity.

26 (f) "inspector" means an employee of the Fort
27 Wayne-Allen County Board of Public Health, or
28 any other governmental department of the City
29 of Fort Wayne, so designated by the Mayor of
30 the City of Fort Wayne, having law enforcement
31 powers to issue city ordinance violation
32 summons in order to enforce the provisions of
this chapter.

(g) "Owner" shall be presumed to be any one or
more of the following:

(1) The owner or owners in fee simple of a
parcel of real estate including the life
tenant or tenants if any; or

(2) The record owner or owners as reflected
by the most current records in the
township assessor's office of the
township in which the real estate is
located; or

(3) The purchaser or purchasers of such real
estate under any contract for the
conditional sale thereof.

(h) "Private property" means all real estate
within the City of Fort Wayne, except
governmental property.

Section 32-3. Application of Chapter.

(a) Each department or agency of the United
States, the State of Indiana, or any political
subdivision thereof, shall be required to keep
governmental property free from environmental
public nuisances.

(b) Each owner of private property shall be
required to keep that private property free
from environmental public nuisances.

Section 32-4. Prohibited activity.

1 It shall be unlawful for any owner of private
2 property or governmental property to allow an environmental
3 public nuisance to exist on that property, except on excluded
4 property.

5 Section 32-5. Determination of violation.

6 (a) Complaint. Violations under this Chapter
7 shall be cited from May 15 through October 1
8 annually. Any department of the City which
9 receives a complaint regarding an
10 environmental public nuisance on any property
11 within the City shall forward that complaint
12 to the Citizen's Advocate office, where it
13 shall be assigned a case number and entered in
14 an environmental public nuisance complaint log
15 book.

16 (b) Assignment of Complaint. The Citizen's
17 Advocate office shall thereafter forward the
18 complaint to an Inspector for processing, who
19 shall follow that case through to its
20 resolution.

21 (c) Notice to Abate. Where the complaint
22 addresses private property, the Inspector,
23 through the Controller of the City, shall
24 cause a written Notice to Abate to be served
25 upon the owner of the property in question,
26 granting that owner a minimum of five (5) days
27 within which to remove the environmental
28 public nuisance. This notice shall be served
29 by a law enforcement officer or by certified
30 mail to the owner.

31 Where governmental property is concerned, the
32 appropriate governmental unit shall be
33 notified of the complaint and the unit's duty
34 to abate the environmental public nuisance.

35 (d) Inspection. Following the expiration of the
36 Notice to Abate an Inspector shall direct an
37 authorized employee to visually inspect the
38 property to determine whether an environmental
39 public nuisance exists. The authorized
40 employee shall make a written report of his or
41 her findings to the Inspector.

42 (e) Abatement by City on Governmental Property.
43 Where the complaint addresses governmental
44 property, and it is determined by the
45 Inspector that a violation exists and that the
46 environmental public nuisance constitutes a
47 menace to the health and safety of the people
48 of the City, the Inspector may direct the City
49 to immediately enter upon the premises and
50 remove the environmental public nuisance.

51 Section 32-6. Enforcement.

52 (a) Citation for Violation. If the Inspector
53 finds from the authorized employee's report,
54 that an environmental public nuisance exists
55 on private property and has not been abated as
56 directed in the written Notice to Abate, that
57 Inspector shall cause a Citation for Violation
58 of City Ordinance to be issued to the
59 offending property owner.

60 (b) Abatement by City on Private Property. In
61 addition to the issuance of a Citation for
62 Violation of City Ordinance under Section 32-

6(a), the Inspector, in the name of the Controller of the City of Fort Wayne, may issue a request to the City of Fort Wayne to abate the environmental public nuisance, and shall thereafter furnish the Controller with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a city department or contracted out through standard procedures.

(c) Responsibility of Offender for Costs of Enforcement. The City Controller shall make a certified statement of the actual cost incurred by, and reimbursable to, the City in the removal, which statement shall include as an actual cost of removal a Fifty Dollar (\$50.00) minimum service fee; one-half of which shall be paid to the Fort Wayne-Allen County Department of Health, so long as it is involved in the enforcement of this Chapter, and one-half of which shall be paid to the City General Fund, and a Twenty-five Dollar (\$25.00) record search fee shall be charged and paid to the City General Fund. Said statement shall be delivered to the property owner, by a law enforcement officer or by certified mail, and the owner shall pay the amount noted to the Controller within ten (10) days after receipt of the statement.

(d) Failure to Pay. If the owner fails to pay the amount within ten (10) days after receiving a statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Allen County for the purpose of placing the amount claimed on the tax duplicate against the property so that the amount claimed can be collected as taxes are collected and disbursed to the City General Fund and the Fort Wayne Allen County Board of Public Health General Fund subject to the limitations above.

Section 32.7. Penalty.

Except as otherwise provided herein, any owner or occupant violating this chapter shall be fined not less than Twenty-Five Dollars (\$25.00). Each day such violation is permitted to continue may be deemed to constitute a separate offense. Each second and subsequent offense shall carry a minimum fine of not less than Fifty Dollars (\$50.00). In addition to any fine imposed herein, the offender shall be responsible for all costs of abatement and the Twenty-Five Dollar (\$25.00) record search fee.

Section 32-8. Property Owner or Occupant's Right to Object to Complaint.

Upon receipt of a Notice to Abate, the property owner or occupant served, or his duly authorized representative may notify the Citizen's Advocate office of an intent to object to any Notice to Abate. This correspondence shall be in writing, and shall specify the street address, legal description the property involved, and proof of ownership of the property involved. Any such correspondence must be received by the Citizen's Advocate office within the amount of time set out in the Notice to Abate.

Upon receipt of such correspondence, the Citizen's Advocate office shall provide copies of same to the City Attorney and to the Inspector involved, who shall cause the objection to be investigated. No further action shall be

pursued against that owner to abate the environmental public nuisance until resolution of the objection thereto.

Section 32-9. Severability

If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

Section 3. It is the express intent of this Ordinance to adopt I.C. 36-7-10-3.

Section 4. Notwithstanding any provisions of this ordinance, this ordinance shall not be construed to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and due publication.

Janet G. Bradbury
Councilmember

AN ORDINANCE CONCERNING ENVIRONMENTAL PUBLIC NUISANCES.

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2 gross profit in a commercial, agricultural or
3 horticultural zone; a natural or developed forest,
4 which does not create a health or safety hazard,
5 which conforms to Management Series No. 2 of
6 the Indiana Department of Natural Resources or
7 is registered with the National Wildlife Federation
8 and which is properly screened, if requested,
9 by adjoining landowners; vacant or open lands,
10 fields or wooded areas more than one hundred
11 fifty feet (150') from occupied property. However,
12 natural habitats or wildlife habitats in R-1,
13 R-2, and R-3, RA and RB districts (residential)
14 are not to be considered excluded property, and
15 will constitute a violation of this ordinance.

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17 the City of Fort Wayne which is owned, leased,
18 controlled or occupied by the United States,
19 the State of Indiana, or any political subdivision
20 thereof; excluding areas such as interior fields,
21 river bank properties, and wooded lots which
22 are maintained as natural sites by any such political
23 entity.

24 (f) "Inspector" means an employee of the Fort Wayne-Allen
25 County Board of Public Health, or any other govern-
26 mental department of the City of Fort Wayne,
27 so designated by the Mayor of the City of Fort
28 Wayne, having law enforcement powers to issue
29 city ordinance violation summons in order to
30 enforce the provisions of this chapter.

31 (g) "Owner" shall be presumed to be any one or more
32 of the following:

(1) The owner or owners in fee simple of a parcel
of real estate including the life tenant
or tenants if any; or

(2) The record owner or owners as reflected
by the most current records in the township
assessor's office of the township in which
the real estate is located; or

(3) The purchaser or purchasers of such real
estate under any contract for the conditional
sale thereof.

(h) "Private property" means all real estate within
the City of Fort Wayne, except governmental property.

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or governmental property to allow an environmental public nuisance
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(a) Complaint. Violations under this Chapter shall be cited from May 15 through October 1 annually. Any department of the City which receives a complaint regarding an environmental public nuisance on any property within the City shall forward that complaint to the Citizen's Advocate office, where it shall be assigned a case number and entered in an environmental public nuisance complaint log book.

(b) Assignment of Complaint. The Citizen's Advocate office shall thereafter forward the complaint to an Inspector for processing, who shall follow that case through to its resolution.

(c) Notice to Abate. Where the complaint addresses private property, the Inspector, through the Controller of the City, shall cause a written Notice to Abate to be served upon the owner of the property in question, granting that owner a minimum of five (5) days within which to remove the environmental public nuisance. This notice may be served by a law enforcement officer or by registered mail to the owner.

Where governmental property is concerned, the appropriate governmental unit shall be notified of the complaint and the unit's duty to abate the environmental public nuisance.

(d) Inspection. Following the expiration of the Notice to Abate an Inspector shall direct an authorized employee to visually inspect the property to determine whether an environmental public nuisance exists. The authorized employee shall make a written report of his or her findings to the Inspector.

(e) Abatement by City on Governmental Property. Where the complaint addresses governmental property, and it is determined by the Inspector that a violation exists and that the environmental public nuisance constitutes a menace to the health and safety of the people of the City, the Inspector may direct the City to immediately enter upon the premises and remove the environmental public nuisance.

Section 32-6. Enforcement.

(a) Citation for Violation. If the Inspector finds from the authorized employee's report, that an environmental public nuisance exists on private property and has not been abated as directed in the written Notice to Abate, that Inspector shall cause a Citation for Violation of City Ordinance to be issued to the offending property owner.

(b) Abatement by City on Private Property. In addition to the issuance of a Citation for Violation of City Ordinance under Section 32-6(a), the Inspector, in the name of the Controller of the City of Fort Wayne, may issue a request to the City of Fort Wayne to abate the environmental public nuisance, and shall thereafter furnish the Controller with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a city department or contracted

1 out through standard procedures.

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4 of the actual cost incurred by, and reimbursable
5 to, the City in the removal, which statement
6 shall include as an actual cost of removal a
7 Fifty Dollar (\$50.00) minimum service fee; one-half
8 of which shall be paid to the Fort Wayne-Allen
9 County Department of Health, so long as it is
10 involved in the enforcement of this Chapter,
11 and one-half of which shall be paid to the City
12 General Fund, and a Twenty-five Dollar (\$25.00)
13 record search fee shall be charged and paid to
14 the City General Fund. Said statement shall
15 be delivered to the property owner, by a law
16 enforcement officer or by registered mail, and
17 the owner shall pay the amount noted to the Controller
18 within ten (10) days after receipt of the statement.

19 (d) Failure to Pay. If the owner fails to pay the
20 amount within ten (10) days after receiving a
21 statement, a certified copy of the statement
22 of costs shall be filed in the Office of the
23 Auditor of Allen County for the purpose of placing
24 the amount claimed on the tax duplicate against
25 the property so that the amount claimed can be
26 collected as taxes are collected and disbursed
27 to the City General Fund and the Fort Wayne Allen
28 County Board of Public Health General Fund subject
29 to the limitations above.

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32 occupant violating this chapter shall be fined not less
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34 is permitted to continue may be deemed to constitute a
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36 carry a minimum fine of not less than Fifty Dollars (\$50.00).
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38 be responsible for all costs of abatement and the Twenty-five
39 Dollar (\$25.00) record search fee.

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45 object to any Notice to Abate. This correspondence shall
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47 description the property involved, and proof of ownership
48 of the property involved. Any such correspondence must
49 be received by the Citizen's Advocate office within the
50 amount of time set out in the Notice to Abate.

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52 Advocate office shall provide copies of same to the City
53 Attorney and to the Inspector involved, who shall cause
54 the objection to be investigated. No further action shall
55 be pursued against that owner to abate the environmental
56 public nuisance until resolution of the objection thereto.

57 Section 32-9. Severability.

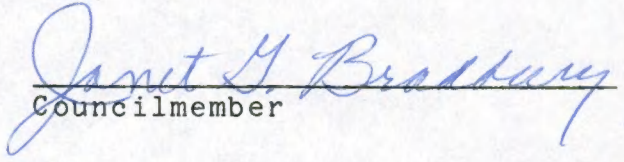
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60 affect other applications of the provisions or terms of
61 this chapter which reasonably can be given effect without

1 the invalid provision or term for the application thereof.

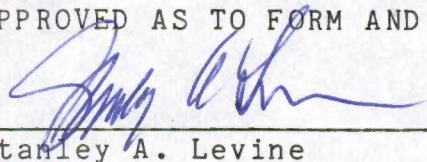
2 SECTION 3. It is the express intent of this Ordinance
3 to adopt I.C. 36-7-10-3.

4 SECTION 4. Notwithstanding any provisions of this ordinance,
5 this ordinance shall not be construed to repeal any former ordinance
6 as to any offense committed against such former ordinance or
7 as to any act done, any penalty, forfeiture or punishment so
8 incurred or any right accrued or claim arising under the former
9 ordinance.

10 SECTION 5. That this Ordinance shall be in full force
11 and effect from and after its passage and any and all necessary
12 approval by the Mayor and due publication.

13
14 
15 Councilmember

16 APPROVED AS TO FORM AND LEGALITY

17 
18 Stanley A. Levine
19 Legal Advisor to Common Council
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Read the first time in full and on motion by Bradbury, seconded by Quadd, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock, _____ M., E.S.T.

DATED: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>	<u>2</u>		<u>2</u>
BRADBURY		<u>✓</u>		
BURNS		<u>✓</u>		
GiaQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT				<u>✓</u>
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-24-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. B-09-88

on the 24th day of May, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1988, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of May, 1988, at the hour of 9:40 o'clock A. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. G-88-05-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AN ORDINANCE CONCERNING
ENVIRONMENTAL PUBLIC NUISANCES (WEED ORDINANCE)

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

JANET G. BRADBURY
CHAIRPERSON

MARK E. GIAQUINTA
VICE CHAIRMAN

CHARLES B. REDD

DAVID C. LONG

PAUL M. BURNS

CONCURRED IN 5-25-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

MEMORANDUM

DATE: May 17, 1988

TO: All City Councilmembers *Kate*

FROM: Kate Love-Jacobson, Research Assistant to City Council

RE: amendments to Bill G-88-05-14

Please find the following amendments to be made to Weed Ordinance due to typographical errors:

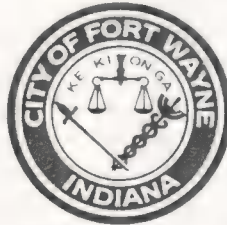
- 1). On page two, Section 32-4, substitute a comma for the period and add the following language at the end of the sentence "except on excluded property."
- 2). On page three, Section 32-5(c), line 13, substitute the word "shall" for the word "may."

c. c. file

Bruce Campbell

*# changed signature and to
certified - ad -*

All America City



Most Livable City

THE CITY OF FORT WAYNE

May 27, 1988

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the dates of
May 31 & June 7, 1988, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-88-05-14 (as amended)
Weed Ordinance

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 24th day of
May, 1988, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-88-05-14 (as amended) General
Ordinance No. G-09-88 to-wit:

BILL NO. G-88-05-14 (as amended)

GENERAL ORDINANCE NO. G- 09-88

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ENVIRONMENTAL PUBLIC NUISANCES

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Janet G. Bradbury
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five

Henry, Long, Redd, Stier, Talarico

NAYS: Two

Bradbury, Burns

ABSTAINED: None

ABSENT: Two

GiaQuinta, Schmidt

DATE: 5-24-88

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-09-88 on the 24th day of May, 1988.

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1988, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1988, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-09-88, passed by the Common Council on the 24th day of May, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of May, 1988, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of May 1988.

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

1988, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-88-05-14 (as amended) General Ordinance No. G-09-88 to-wit:

BILL NO. G-88-05-14 (as amended)
GENERAL ORDINANCE NO. G-09-88
AN ORDINANCE CONCERNING
ENVIRONMENTAL
PUBLIC NUISANCES

WHEREAS, the present ordinance entitled Environmental Public Nuisances is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 32 of the Municipal Code of the City of Fort Wayne is repealed.

SECTION 2. That there is hereby established and adopted a revised ordinance which shall constitute a new Chapter 32 of the Municipal Code of the City of Fort Wayne as follows:

ENVIRONMENTAL
PUBLIC NUISANCES

Sec. 32-1 Purpose and Intent.

It is hereby declared to be the purpose of this chapter to protect the public safety, health, and welfare and enhance the environment of the people of the city by making it unlawful to allow an environmental public nuisance to exist.

Sec. 32-2 Definitions.

For the purpose of this chapter the following terms shall have the following meanings. The word "shall" is mandatory and not merely directory.

(a) "Authorized Employee" means an individual designated to make environmental public nuisance inspections, by either the Health Commissioner of the Fort Wayne-Alen County Board of Public Health or the head of any governmental department of the City of Fort Wayne, which department has been designated by the Mayor of the City of Fort Wayne to enforce this chapter.

(b) "City" means the City of Fort Wayne.

(c) "Environmental public nuisance" is:

(1) Any growth of weeds, grass or other rank vegetation on private or governmental property which is neglected, disregarded or not cut, mown, or otherwise removed and/or which has attained a height of nine (9) inches or more.

(2) Any accumulation of dead weeds, grass or brush on private or governmental property.

(3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental to health, growing on any private or governmental property.

(4) Property which has been allowed to become a health or safety hazard, or which has accumulated litter or waste products unless specifically authorized under existing laws and regulations.

(d) "Excluded property" means land cultivated for gross profit in a commercial, agricultural or horticultural zone; a natural or developed forest, which does not create a health or safety hazard, which conforms to Management Series No. 2 of the Indiana Department of Natural Resources or is registered with the National Wildlife Federation and which is properly screened, if requested; by adjoining landowners; vacant or open lands, fields or wooded areas more than one hundred fifty feet (150') from occupied property. However, natural habitats or wildlife habitats in R-1, R-2, and R-3, RA and RB districts (residential) are not be considered excluded property, and will constitute a violation of this ordinance.

(e) "Governmental property" means real estate within the City of Fort Wayne which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof; excluding areas such as interior fields, river bank properties, and wooded lots which are maintained as natural sites by any such political entity.

(f) "Inspector" means an employee of the Fort Wayne Allen County Board of Public Health, or any other governmental department of the City of Fort Wayne, so designated by the Mayor of the City of Fort Wayne, having law enforcement powers to issue city ordinance violation summons in order to enforce the provisions of this chapter.

(g) "Owner" shall be presumed to be any one or more of the following:

(1) The owner or owners in fee simple of a parcel of real estate including the life tenant or tenants of any; or

(2) the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located; or

(3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.

(h) "Private property" means all real estate within the City of Fort Wayne, except governmental property.

Section 32-3. Application of Chapter.

(a) Each department or agency of the United States, the state of Indiana, or any political subdivision thereof, shall be required to keep governmental property free from environmental public nuisances.

(b) Each owner of private property shall be required to keep that private property free from environmental public nuisances.

Section 32-4. Prohibited activity.

It shall be unlawful for any owner of private property or governmental property to allow an environmental public nuisance to exist on that property, except on excluded property.

Section 32-5. Determination of violation.

(a) Complaint. Violations under this Chapter shall be cited from May 15 through October 1 annually. Any department of the City which receives a complaint regarding an environmental public nuisance on any property with the City shall forward that complaint to the Citizen's Advocate office, where it shall be assigned a case number and entered in an environmental public nuisance complaint log book.

(b) Assignment of Complaint. The Citizen's Advocate office shall thereafter forward the complaint to an Inspector for processing, who shall follow that case through to its resolution.

(c) Notice to Abate. Where the complaint addresses private property, the Inspector, through the Controller of the City, shall cause a written Notice to Abate to be served upon the owner a minimum of five (5) days within which to remove the environmental public nuisance. This notice shall be served by a law enforcement officer or by certified mail to the owner.

Where governmental property is concerned, the appropriate governmental unit shall be notified of the complaint and the unit's duty to abate the environmental public nuisance.

(d) Inspection. Following the expiration of the Notice to Abate an Inspector shall direct an authorized employee to visually inspect the property to determine whether an environmental public nuisance exists. The authorized employee shall make a written report of his or her findings to the Inspector.

(e) Abatement by City on Governmental Property. Where the complaint addresses governmental property, and it is determined by the Inspector that a violation exists and that the environmental public nuisance constitutes a menace to the health and safety of the people of the City, the Inspector may direct the City to immediately enter upon the premises and remove the environmental public nuisance.

Section 32-6. Enforcement.

(a) Citation for Violation. If the Inspector finds from the authorized employee's report, that an environmental public nuisance exists on private property and has not been abated as directed in the written Notice to Abate, that Inspector shall cause a Citation for Violation of City Ordinance to be issued to the offending property owner.

(b) Abatement by City on Private Property. In addition to the issuance of a Citation for Violation of City Ordinance under Section 32-6 (a), the Inspector, in the name of the Controller of the City of Fort Wayne, may issue a request to the City of Fort Wayne to abate the environmental public nuisance, and shall thereafter furnish the Controller with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a city department or contracted out through standard procedures.

(c) Responsibility of Offender for Costs of Enforcement. The City Controller shall make a certified statement of the actual cost incurred by, and reimbursable to, the City in the removal, which statement shall include as an actual cost of removal a Fifty Dollar (\$50.00) minimum service fee; one-half of which shall be paid to the Fort Wayne-Alen County Department of Health, so long as it is involved in the enforcement of this Chapter, and one-half of which shall be paid to the City General Fund, and a Twenty-five Dollar (\$25.00) record search fee shall be charged and paid to the City General Fund. Said statement shall be delivered to the property owner by a law enforcement officer or by certified mail, and the owner shall pay the amount noted to the Controller within ten (10) days after receipt of the statement.

(d) Failure to Pay. If the owner fails to pay the amount within ten (10) days after receiving a statement, a certified copy of the statement of costs shall be filed in the Office Auditor of Allen County for

claimed can be collected as taxes are collected and disbursed to the City General Fund and the Fort Wayne Allen County Board of Public Health General Fund subject to the limitations above.

Section 32.7. Penalty.

Except as otherwise provided herein, any owner or occupant violating this chapter shall be fined not less than Twenty-Five Dollars (\$25.00). Each day such violations is permitted to continue may be deemed to constitute a separate offense. Each second and subsequent offense shall carry a minimum fine of not less than Fifty Dollars (\$50.00). In addition to any fine imposed herein, the offenders shall be responsible for all costs of abatement and the Twenty-Five Dollar (\$25.00) record search fee.

Section 32-8. Property Owner or Occupant's Right to Object to Complaint.

Upon receipt of a Notice to Abate, the property owner or occupant served, or his duly authorized representative may notify the Citizen's Advocate office of an intent to object to any Notice to Abate. This correspondence shall be in writing, and shall specify the street address, legal description, the property involved and proof of ownership of the property involved. Any such correspondence must be received by the Citizen's Advocate office within the amount of time set out in the Notice to Abate.

Upon receipt of such correspondence, the Citizen's Advocate office shall provide copies of same to the City Attorney and to the Inspector involved, who shall cause the objection to be investigated. No further action shall be pursued against that owner to abate the environmental public nuisance until resolution of the objection thereto.

Section 32.9. Severability

If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

Section 3. It is the express intent of the Ordinance to adopt I.C. 36-7-10-3.

Section 4. Notwithstanding any provisions of this ordinance, this ordinance shall not be construed to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and due publication.

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, place on its passage. PASSED by the following vote:

AYES: Five

Henry, Long, Redd, Stier, Talarico

NAYS: Two

Bradbury, Burns

ABSTAINED: None

ABSENT: Two

GiaQuinta, Schmidt

DATE: 5-24-88

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-09-88 on the 24th day of May, 1988

ATTEST:

Sandra E. Kennedy, City Clerk

Thomas C. Henry, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1988, at the hour of 11:00 A.M., E.S.T.

Approved and signed by me this 26th day of May, 1988, at the hour of 9:40 A.M., E.S.T.

Paul Helmke, City Clerk

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above foregoing is a full, true and complete copy of General Ordinance No. G-09-88, passed by the Common Council on the 24th day of May, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of May, 1988, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of May, 1988.

SANDRA E. KENNEDY, CITY CLERK

5-31/6-7

General Form No. 99P (Revised 1987)

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

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Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/

she is Clerk of the The News-Sentinel newspaper of general

circulation printed and published in the English language in the (city) (town) of

Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

two times, the dates of publication being as follows:

5/31, 6/7/88

Subscribed and sworn to before me this 7th day of June, 19 88

Notary Public

Shelley R. LaRue

My commission expires March 3, 1990

Ft. Wayne Common Council
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, INAllen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

1

Body -- number of lines

287

Tail -- number of lines

2

Total number of lines in notice

290

COMPUTATION OF CHARGES

290 lines, 1 columns wide equals 290 equivalent lines
at .495 cents per line\$143.55Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$145.55

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 2Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 7, 19 88Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:5/31, 6/7/88Subscribed and sworn to before me this 7th day of June, 19 88

Notary Public

Shelley R. LaRueMy commission expires March 3, 1990

Compatible XT/AT
Save \$617.85
279900
g. Separate \$100 Per Month
ms 3416.85
25-4071/4036/3048/4062/4058/4109
Powerful 80286-Based
Technology Runs Today's
Software Faster
Ready to Run the OS/2
Operating System
andy 3000 HL, EGM-1 Monitor,
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ional DeskMate Software
Compatible Printer

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LEGAL NOTICE

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GENERAL ORDINANCE NO. G-09-88
AN ORDINANCE CONCERNING
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(c) Responsibility of Offender for Costs of Enforcement. The City Controller shall make a certified statement of the actual cost incurred by, and reimbursable to, the City in the removal, which statement shall include as an actual cost of removal a Fifty Dollar (\$50.00) minimum service fee; one-half of which shall be paid to the Fort Wayne-Allen County Department of Health, so long as it is involved in the enforcement of this Chapter, and one-half of which shall be paid to the City General Fund, and a Twenty-five Dollar (\$25.00) record search fee shall be charged and paid to the City General Fund. Said statement shall be delivered to the property owner by a law enforcement officer or by certified mail, and the owner shall pay the amount noted to the Controller within ten (10) days after receipt of the statement.

(d) Failure to Pay. If the owner fails to pay the amount within ten (10) days after receiving a statement, a certified copy of the statement of costs shall be filed in the Office Auditor of Allen County for the purpose of placing the amount claimed on the tax duplicate against the property so that the amount claimed can be collected as taxes are collected and disbursed to the City General Fund and the Fort Wayne Allen County Board of Public Health General Fund subject to the limitations above.

Section 32.7. Penalty.

Except as otherwise provided herein, any owner or occupant violating this chapter shall be fined not less than Twenty-Five Dollars (\$25.00). Each day such violations is permitted to continue may be deemed to constitute a separate offense. Each second and subsequent offense shall carry a minimum fine of not less than Fifty Dollars (\$50.00). In addition to any fine imposed herein, the offender shall be responsible for all costs of abatement and the Twenty-Five Dollar (\$25.00) record search fee.

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Upon receipt of such correspondence, the Citizen's Advocate office shall provide copies of same to the City Attorney and to the Inspector involved, who shall cause the objection to be investigated. No further action shall be pursued against that owner to abate the environmental public nuisance until resolution of the objection thereto.

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If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

Section 3. It is the express intent of the Ordinance to adopt I.C. 36-7-10-3.

Section 4. Notwithstanding any provisions of this ordinance, this ordinance shall not be construed to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and due publication.

Janet G. Bradbury

Councilmember

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, place on its passage. PASSED by the following vote:

AYES: Five

Henry, Long, Redd, Stier, Talarico

NAYS: Two

Bradbury, Burns

ABSTAINED: None

ABSENT: Two

GiaQuinta, Schmidt

DATE: 5-24-88

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-09-88 on the 24th day of May, 1988

ATTEST:

Sandra E. Kennedy, City Clerk

Thomas C. Henry, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1988, at the hour of 11:00 A.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 26th day of May, 1988, at the hour of 9:40 A.M., E.S.T.

Paul Helmke

City Clerk

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above foregoing is a full, true and complete copy of General Ordinance No. G-09-88, passed by the Common Council on the 24th day of May, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of May, 1988, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of May, 1988.

SANDRA E. KENNEDY

CITY CLERK

CLAIM

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287

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\$ 143.55

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2.00

\$ 145.55

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Judy Sterling
Clerk

FIDAVIT

notary public in and for said county and state, the

who, being duly sworn, says that he/

The Journal-Gazette newspaper of general

in the English language in the (city) (town) of

1 county aforesaid, and that the printed matter

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ates of publication being as follows:

6/7/88

his 7th day of June, 1988

Shelley R. LaRue
Notary Public

R. LaRue

1990

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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Body -- number of lines

287

Tail -- number of lines

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Total number of lines in notice

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COMPUTATION OF CHARGES

290 lines, 1 columns wide equals 290 equivalent lines
at .495 cents per line

\$ 143.55

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

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TOTAL AMOUNT OF CLAIM

\$ 145.55

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 2Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 7, 19 88Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

21 shutout innings fourth straight.

nity flies in

cia abruptly put an end to the discussion.

The incident occurred in the third inning when Yankee second baseman Bobby Meacham thought he caught a low line drive by Oakland's Walt Weiss and threw the ball around the infield as is customary after an out. However, second-base umpire Rick Reed said Meacham trapped the ball and ruled Weiss safe at first.

After a lengthy argument with the entire umpiring crew, Martin was thrown out of the game by Scott, the first-base umpire. Martin then kicked dirt on Scott's shoes and picked up a pile of dirt and threw it at Scott's midsection before leaving.

Martin called the press box after

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time s, the dates of publication being as follows:

5/31, 6/7/88Subscribed and sworn to before me this 7th day of June, 1988.Shelley R. LaRue

Notary Public

My commission expires: March 3, 1990